


Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
February 16, 2023

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**INTERIM ORDER GRANTING
DEBTOR'S MOTION:
(1) PROHIBITING UTILITIES FROM
ALTERING, REFUSING OR
DISCONTINUING SERVICE;
(2) AUTHORIZING ORDINARY
COURSE PAYMENTS TO UTILITIES;
(3) DEEMING UTILITIES
ADEQUATELY ASSURED OF FUTURE
PERFORMANCE; AND
(4) ESTABLISHING PROCEDURES
FOR DETERMINING REQUESTS
FOR ADDITIONAL ADEQUATE
ASSURANCE**

Hearing Date: February 10, 2023
Hearing Time: 2:00 p.m.

FOX ROTHSCHILD LLP
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Upon the motion (the “Motion”)¹ of the above-captioned debtor and debtor in possession (“Debtor”) for entry of an interim order (the “Interim Order”) (i) prohibiting utilities from altering, refusing or discontinuing service, (ii) authorizing ordinary course payments to utilities, (iii) deeming utilities adequately assured of future performance, (iv) establishing procedures for determining requests for additional adequate, (v) scheduling a final hearing to consider entry of the Final Order, and (vi) granting related relief as more fully set forth in the Motion; and the Court having found that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having found that venue of this Chapter 11 Case and the Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Motion is in the best interests of Debtor’s estate, its creditors, and other parties in interest; and the Court having found that Debtor provided appropriate notice of the Motion and the opportunity for a hearing on the Motion under the circumstances; and the Court having found that no other or further notice need be provided; and the Court having reviewed the Motion and the supporting Omnibus Declaration, having heard the statements in support of the relief requested therein at a hearing before the Court (the “Hearing”) and having considered the entire record before the Court; and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and any objections to the relief requested herein having been withdrawn or overruled on the merits; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED, as to Debtor’s existing utility accounts, that:

1. The Motion is GRANTED on an interim basis as set forth herein;
2. The final hearing (the “Final Hearing”) on the Motion shall be held on March 17, 2023, at 9:30 a.m., prevailing Pacific Time. Any objections or responses to entry of a final order on the Motion shall be filed on or before March 3, 2023, and shall be served on: (a) proposed counsel to the Debtor (Brett A. Axelrod, Fox Rothschild LLP, 1980 Festival Plaza Drive, Suite 700, Las Vegas, Nevada 89135, baxelrod@foxrothschild.com, nkoffroth@foxrothschild.com,

¹ Unless otherwise defined herein, all capitalized terms have the definitions set forth in the Motion.

zwilliams@foxrothschild.com); (b) the Office of the United States Trustee for the District of Nevada (United States Trustee's Office Region 17, 300 Las Vegas Boulevard South Suite 4300 Las Vegas, NV 89101); (c) the entities listed on the List of Creditors Holding the 20 Largest Unsecured Claims, filed pursuant to Bankruptcy Rule 1007(d); and (d) all parties who have requested notice pursuant to Bankruptcy Rule 2002. Any replies shall be filed on or before March 10, 2023. In the event no objections to entry of the Final Order on the Motion are timely received, this Court may enter such Final Order without need for the Final Hearing. The Utility Providers (listed on **Exhibit 1** of the Motion) are hereby prohibited, on an interim basis until the Final Hearing on the Motion, from altering, refusing and discontinuing service relationships or terms on account of prepetition invoices;

3. Debtor is authorized, but not directed, to pay prepetition amounts owing to the Utility Providers in Debtor's sole discretion.

4. Debtor is authorized to pay in the ordinary course of business, and on an interim basis, amounts due to the Utility Providers for postpetition Utility Services provided before such time as the Final Hearing can occur.

IT IS FURTHER ORDERED that:

5. If Debtor supplements the list on **Exhibit 1** of the Motion subsequent to the filing of the Motion, Debtor will serve a copy of the Motion and this signed Interim Order granting the Motion (the "Order") on any Utility Provider that is added to the list by such a supplement (the "Supplemental Service").

6. Concurrently with the Supplemental Service, Debtor will file with the Court a supplement to **Exhibit 1** adding the name of the Utility Provider so served. The added Utility Provider shall have thirty (30) days from the date of service of this Motion and the Interim Order to make a Request.

7. Finally, the Order provides that Debtor may terminate the services of any Utility Provider by providing written notice (a "Termination Notice"). Upon receipt of a Termination Notice by a Utility Provider, pursuant to the relief requested by Debtor herein, the Utility Provider shall immediately refund any Utility Deposit and prepetition deposit, if any, to Debtor, without giving effect to any rights of setoff or any claims the Utility Provider may assert against Debtor. The

1 immediate refund of a Utility Deposit and prepetition deposit, if any, by a Utility Provider whose
 2 services are terminated is fair and appropriate under the circumstances because the Utility Provider
 3 would no longer require adequate assurance of future payment by Debtor.

4 **IT IS FURTHER ORDERED**, as to new accounts opened by Debtor as debtor-in-
 5 possession, that:

6 8. The Utility Providers and any other company providing Utility Services to Debtor
 7 shall treat Debtor like any other customer under applicable public utility regulations.

8 9. If a Utility Provider or any other company providing Utility Services to Debtor
 9 discriminates against Debtor on account of its bankruptcy filing by seeking to impose an additional
 10 or higher deposit or other requirements, the Court will consider a request for relief by Debtor with
 11 notice to the Utility Provider on an expedited basis.

12 **IT IS FURTHER ORDERED** that:

13 10. Debtor is authorized and empowered to take all actions necessary to implement the
 14 relief granted in this Order.

15 11. This Court shall retain jurisdiction to hear and determine all matters arising from the
 16 implementation of this Order.

17 12. The terms and conditions of this Order shall be immediately effective and enforceable
 18 upon its entry.

19 13. Except to the extent expressly provided herein and any actions taken pursuant hereto,
 20 nothing herein shall be deemed: (i) an admission as to the validity of any claim against Debtor; (ii) a
 21 waiver of Debtor's right to dispute any claim on any grounds; (iii) a promise or requirement to pay
 22 any claim; (iv) an implication or admission that any particular claim is of a type specified or defined
 23 hereunder; (v) a request or authorization to assume any agreement, contract or lease pursuant to
 24 section 365 of the Bankruptcy Code; or (vi) a waiver of Debtor's rights under the Bankruptcy Code
 25 or any other applicable law.

26 14. Except to the extent expressly provided herein and any actions taken pursuant hereto,
 27 nothing herein shall create, nor is intended to create, any rights in favor of, or enhance the status of,
 28 any claim held by any person.

1 15. Debtor's banks and financial institutions are authorized and directed, on an interim
2 basis, to process, honor and pay, to the extent of funds on deposit, any and all prepetition checks,
3 wire transfer requests or intercompany transfer requests issued by Debtor, whether pre or postpetition,
4 subject to, and in accordance with, the terms of this Order. Debtor is authorized to reissue checks,
5 wire transfer requests or intercompany requests where such method of payment has been dishonored.

6
7 Respectfully submitted by:

8 **FOX ROTHSCHILD LLP**

9 By: /s/Brett A. Axelrod

10 BRETT A. AXELROD, ESQ.

Nevada Bar No. 5859

11 NICHOLAS A. KOFFROTH, ESQ.

Nevada Bar No. 16264

12 ZACHARY T. WILLIAMS, ESQ.

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13 1980 Festival Plaza Drive, Suite 700

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[Proposed] Counsel for Debtor

15
16 WAIVED:

17 **OFFICE OF THE UNITED STATES TRUSTEE**

18 BY: WAIVED

19 Jared A. Day,

20 Trial Attorney for United States Trustee,

21 Tracy Hope Davis

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

- ☐ The Court has waived the requirement of approval in LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Jared A. Day, Trial Attorney
Office of the United States Trustee

WAIVED

- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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